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ATTORNEY FOR DEFENDANT MARIE CALLENDER'S PIE SHOPS, INC. d.b.a.
MARIE CALLENDER'S #254

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,**

Plaintiffs,

v.

**MARIE CALLENDER'S PIE SHOPS, INC.
d.b.a. MARIE CALLENDER'S #254;
PACIFIC BAGELS, LLC d.b.a.
BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
AND DOES 1 THROUGH 10, Inclusive,**

Defendants.

Case No.: 07cv2129 BTM (AJB)

NOTICE OF SETTLEMENT

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1 **THE PLAINTIFFS AND DEFENDANT MARIE CALLENDER'S PIE SHOPS,**
2 **INC. d.b.a. MARIE CALLENDER'S #254** HEREBY NOTIFY the Court that
3 Plaintiffs have reached settlement with Defendant MARIE
4 CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE CALLENDER'S #254 in this
5 matter. Counsel for Defendant MARIE CALLENDER'S PIE SHOPS, INC.
6 d.b.a. MARIE CALLENDER'S #254 and Plaintiffs are in the process
7 of preparing a written Release and Settlement Agreement and a
8 Joint Motion to Dismiss only Defendant MARIE CALLENDER'S PIE
9 SHOPS, INC. d.b.a. MARIE CALLENDER'S #254.

10 The parties anticipate a Joint Motion to Dismiss only
11 Defendant MARIE CALLENDER'S PIE SHOPS, INC. d.b.a. MARIE
12 CALLENDER'S #254 shall be filed on or before March 7, 2008, on
13 the condition that Plaintiffs and Defendants execute the Release
14 and Settlement Agreements.

15
16 Respectfully submitted,

17
18 Dated: February 20, 2008

PINNOCK & WAKEFIELD, A.P.C.

19
20 By: s/ Michelle L. Wakefield
21 Attorney for Plaintiffs
22 E-mail: MichelleWakefield@
PinnockWakefieldLaw.com

23
24 Dated: February 20, 2008

CALL JENSEN & FERRELL

25
26 By: s/ Lisa A. Wegner
27 Attorney for Defendant MARIE
28 CALLENDER'S PIE SHOPS, INC.
d.b.a. MARIE CALLENDER'S #254
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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,**

Plaintiffs,

v.

**MARIE CALLENDER'S PIE SHOPS,
INC. d.b.a. MARIE CALLENDER'S
#254; PACIFIC BAGELS, LLC d.b.a.
BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
AND DOES 1 THROUGH 10,
Inclusive,**

Defendants.

Case No.: 07cv2129 BTM (AJB)

PROOF OF SERVICE VIA ECF

[Fed.R.Civ.P. 6(e)]

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of
California. I am over the age of 18 and not a party to the
within action; my business address is 3033 Fifth Avenue, Suite
410, San Diego, California, 92103.

On this date, I served the following document(s) described as **NOTICE OF SETTLEMENT** on all Defendants in this action:

Lisa A. Wegner, Esq.
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MARIE CALLENDER'S #254

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Facsimile: (213) 625-0248
E-mail Address: Bpollock@mayerbrown.com
ATTORNEY FOR DEFENDANT COURTYARD HOLDINGS, LP

 X **BY ELECTRONIC SERVICE TRANSMISSION** via the United States District Court, Southern Division of California, Case Management/Electronic Case Files, Filing System. I served a copy of the above listed document(s) to the e-mail addresses of the addressee(s) by use of email as identified and maintained therein.

AND/OR BY:

_____ placing _____ the original _____ a true copy thereof enclosed in sealed enveloped addressed as stated above.

_____ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing.

1 Under that practice, it would be deposited with the U.S. Postal
2 Service on the same day with postage thereon fully prepaid,
3 mailed at San Diego, California, in the ordinary course of
4 business. I am aware that on motion of the party served, service
5 is presumed invalid if postal cancellation date or postage meter
6 date is more than one day after date of deposit for mailing in
7 affidavit.

8
9 _____ **BY FACSIMILE TRANSMISSION:** From FAX No. (619) 858-3646
10 to the facsimile numbers listed above on the mailing list. The
11 facsimile machine I used complied with Rule 6 (e), and no error
12 was reported by the machine.

13
14 X **FEDERAL:** I declare that I am employed in the office
15 of a member of the Bar of this Court, at whose direction this
16 service was made.

17
18 **EXECUTED** on February 20, 2008, at San Diego, California.

19
20
21 
22 _____
Angela Payne